

# **EXHIBIT B**

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**VIA E-MAIL**

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Re: *PA Advisors LLC v. Google Inc., et al.*  
U.S.D.C. - Eastern District of Texas, Case No. 2:07-cv-480-DF

Dear Counsel:

I write concerning Plaintiff's January 6, 2009 Responses to Google's First Set of Interrogatories and to Defendants' First Set of Interrogatories in order to request Plaintiff supplement promptly its answers, which are deficient. As you know, plaintiff has an ongoing duty to supplement its interrogatory responses pursuant to Rule 26(e), Fed.R.Civ.P. In its interrogatories, Google asked Plaintiff, *inter alia*, to identify and explain in detail how Google's products infringe; whether that infringement is direct or indirect; the structures in Google's products that allegedly infringe, as well as identification of documents to support such assertions. *See* Interrogatories Nos. 1 and 2. In response to these interrogatories, Plaintiff relied entirely on its August 22, 2008 P.R. 3-1 disclosures and provided no detail or evidence as to how Google's software allegedly infringes the claims of the patent in suit. After the extensive discovery taken to date, Plaintiff's responses are inadequate.

Plaintiff must supplement its interrogatory answers. With fact discovery coming to a close, Google is entitled to know the specific aspects and functionality of its software that Plaintiff asserts infringe the patent in suit and the support for those assertions. For instance, Google is entitled to know what aspects of Google's products use or constitute a "linguistic pattern" (Google Interrogatory No. 7) and what use or constitute a "user profile" (Google Interrogatory No. 8). Google is likewise entitled to detailed claim charts to identify each step or structure in Google's products that purportedly

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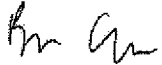
correspond to the asserted claims (Google Interrogatory No. 2). Google is suffering prejudice because it cannot properly prepare its defense without knowing details about what Plaintiff asserts infringe the patent.

Plaintiff has received over one million pages of confidential Google documents and over million lines of source code. It has deposed multiple Google engineers and corporate representatives. At this point in the case, Plaintiff should be able to point to exactly what functionality in Google's products allegedly practices the claims and should be able to link that to documents, testimony and/or source code citations.

In addition, Plaintiff should supplement its answers to Defendants' common Interrogatories that call for, *inter alia*, information concerning the conception and reduction to practice of the claimed inventions, offers for sale, products that embody the claimed inventions, as well as Plaintiff's response to the charges of inequitable conduct. *See, e.g.*, Common Interrogatories 2, 3, 4, 5, 16, 17 and 18.

We expect Plaintiff's to update promptly its interrogatory responses. If Plaintiff does not so supplement, in particular with respect to its infringement contentions, we will conclude that Plaintiff has no further information, contentions, or supporting evidence to provide. Should Plaintiff seek to introduce additional information later in the case, Google will move to preclude such information.

Very truly yours,



Brian Cannon

BC:ab